

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

JAN 29 PM 3:43

IN RE:

)

ADMINISTRATIVE ORDER NO. 03-01 CANTON

CHAPTER 13 APPOINTMENT

)

AND PAYMENT OF APPRAISER

)

JUDGE RUSS KENDIG

1. All chapter 13 cases with real estate in which the debtor(s) has any interest must have a current appraisal if the unsecured creditors are not being paid 100% of their allowed claims.
2. The Standing Chapter 13 Trustee shall engage an appraiser from the list of approved appraisers, attached as Exhibit A, based on the county the debtor's(s') property is located for a fee no greater than \$200.00. The trustee shall move for separate authorization if the total fee exceeds \$200, e.g. multiple parcels or a complex property. Said fee will be paid out of the debtor's estate before all other administrative fees. If enough funds are not available and the case has been dismissed or converted, the fees will be paid from the Chapter 13 Trustee's expense funds.
3. The selected appraisers are disinterested persons and do not hold or represent an interest adverse to the bankruptcy estate. Affidavits attesting to this are attached as Exhibit B.
4. The appraiser will be deemed to have been appointed pursuant to Bankruptcy Code section 327(a).
5. The United States Trustee waives notice of the appointment of the appraisers in Chapter 13 cases as long as the appraiser is selected from the attached list, has filed an affidavit as required by section 327(b) of the Bankruptcy Code, and the fee to be paid is less than \$200.00.
6. Notice of the selection shall be sent by the Chapter 13 Trustee to the debtor(s) and the attorney for the debtor(s) in the approved letter attached as Exhibit C. The debtor(s) shall have ten (10) days from the date of this letter to present a certified appraisal performed within one year of the petition date. If said appraisal was performed and a copy of the same is provided to the Chapter 13 Trustee, an appraisal will not be necessary.
7. An order shall ^{be} filed with the Court to pay fees (see attached Exhibit D) with a copy of the appraisal in the form of attached Exhibit E.

/s/ Russ Kendig

/s/ Russ Kendig

/s/ Russ Kendig

8. The clerk is given authority to sign said orders. The Clerk's action authorized by this order shall be accomplished by the affixing to such order the following language:

03-01 ENTERED PURSUANT TO ADMINISTRATIVE ORDER
NO. 02 — KENNETH J HIRZ, CLERK OF COURT

BY: _____
Deputy Clerk

- 9 8. Any party affected by an order so entered shall be entitled to reconsideration thereof by a judge of the court, if, within ten (10) days of service of notice of the entry of such order, such party files a written motion for reconsideration, which motion or attached memorandum shall state the grounds, in accordance with Local Civil Rule 7.1 of the United States District Court, made applicable in cases before this court by Local Rule 1.1 and the Local Bankruptcy Rules 9013-1. Such motion for reconsideration will ordinarily be considered by the court upon the papers submitted.
- 10 9. Any party adversely affected by an order shall retain all rights of any nature relating to the impropriety of the order, for example, the legal insufficiency of service.
- 11 10. The United States Trustee waives the requirement of service for said motion. The Chapter 13 Trustee shall pay the appraiser either out of the debtor's(s') bankruptcy estate as an administrative expense or if the case is dismissed or converted without available funds on hand, the fees will be paid from the Chapter 13 Trustee's expense fund.

IT IS SO ORDERED.

/s/ Russ Kendig

Russ Kendig
United States Bankruptcy Judge

Approved:



Dan McDermott
Assistant United States Trustee



Toby L. Rosen
Standing Chapter 13 Trustee

LIST OF COUNTIES AND NAMES OF APPRAISERS:

STARK COUNTY:

1. Thomas A. Baier
2. Robert J. Cerny
3. David E. Conant

CARROLL COUNTY:

1. Thomas A. Baier
2. Robert J. Cerny
3. David E. Conant

WAYNE COUNTY:

1. Thomas A. Baier
2. Robert J. Cerny

HOLMES AND TUSCARAWAS COUNTIES:

1. Thomas A. Baier
2. Robert J. Cerny

ASHLAND COUNTY:

1. William Stepp, III
2. Stanley L. Baumberger

RICHLAND COUNTIES:

1. Terry Sautter
2. William Stepp, III
3. Stanley L. Baumberger

CRAWFORD COUNTY:

1. Terry Sautter
2. Stanley L. Baumberger

MORROW COUNTY:

1. Terry Sautter

Exhibit A

AFFIDAVIT

STANLEY L. BAUMBERGER, being first duly sworn according to law, deposes and says:

1. That he is well qualified to serve as appraiser of debtor's(s') real property in this proceeding;
2. That he is a disinterested person within the meaning of 11 U.S.C. § 101 (14), which means he has no connection with the debtor(s), the creditors, any other party in interest herein, their respective attorneys or accountants, the United States Trustee, any person employed in the office of the United States Trustee, or any other party with an actual or potential interest in this case and that he does not hold any interest adverse to the debtor(s), their estate, or the creditors in the matter for which he is proposed to be retained;
3. That he has no personal relationship with any Judge of this Court in the State of Ohio as applies to proceedings under Title 11 of the United States Code;
4. That he will inform the Chapter 13 Trustee if there is any connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Further affiant saith not.

St. L. Baumberger

Sworn to before me and subscribed in my presence this 13th day of JANUARY, 2003

Patricia A. Chilcote

Notary Public

My Commission expires 11-15-2005



PATRICIA A. CHILCOTE
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires
Nov. 15, 2005

AFFIDAVIT

Terry Sautter, being first duly sworn according to law, deposes and says:

1. That he is well qualified to serve as appraiser of debtor's(s') real property in this proceeding;
2. That he is a disinterested person within the meaning of 11 U.S.C. § 101 (14), which means he has no connection with the debtor(s), the creditors, any other party in interest herein, their respective attorneys or accountants, the United States Trustee, any person employed in the office of the United States Trustee, or any other party with an actual or potential interest in this case and that he does not hold any interest adverse to the debtor(s), their estate, or the creditors in the matter for which he is proposed to be retained;
3. That he has no personal relationship with any Judge of this Court in the State of Ohio as applies to proceedings under Title 11 of the United States Code;
4. That he will inform the Chapter 13 Trustee if there is any connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Further affiant saith not.

Terry Sautter

Sworn to before me and subscribed in my presence this 13 day of Jan., 2003.

Emma J. Sautter
Notary Public

My Commission expires 9-8-07

AFFIDAVIT

ROBERT J. CERNY, being first duly sworn according to law, deposes and says:

1. That he is well qualified to serve as appraiser of debtor's(s') real property in this proceeding;
2. That he is a disinterested person within the meaning of 11 U.S.C. § 101 (14), which means he has no connection with the debtor(s), the creditors, any other party in interest herein, their respective attorneys or accountants, the United States Trustee, any person employed in the office of the United States Trustee, or any other party with an actual or potential interest in this case and that he does not hold any interest adverse to the debtor(s), their estate, or the creditors in the matter for which he is proposed to be retained;
3. That he has no personal relationship with any Judge of this Court in the State of Ohio as applies to proceedings under Title 11 of the United States Code;
4. That he will inform the Chapter 13 Trustee if there is any connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Further affiant saith not.

Sworn to before me and subscribed in my presence this 17 day of JAN., 2003

Andrea R. Baney
Notary Public

My Commission expires _____

ANDREA R. BANEY
Notary Public, State of Ohio
My Commission Expires 9-1-2003

AFFIDAVIT

THOMAS A. BAIER, being first duly sworn according to law, deposes and says:

1. That he is well qualified to serve as appraiser of debtor's(s') real property in this proceeding;
2. That he is a disinterested person within the meaning of 11 U.S.C. § 101 (14), which means he has no connection with the debtor(s), the creditors, any other party in interest herein, their respective attorneys or accountants, the United States Trustee, any person employed in the office of the United States Trustee, or any other party with an actual or potential interest in this case and that he does not hold any interest adverse to the debtor(s), their estate, or the creditors in the matter for which he is proposed to be retained;
3. That he has no personal relationship with any Judge of this Court in the State of Ohio as applies to proceedings under Title 11 of the United States Code;
4. That he will inform the Chapter 13 Trustee if there is any connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Further affiant saith not.

Thomas A. Baier

Sworn to before me and subscribed in my presence this 14th day of Jan, 2003

Sue Becker

Notary Public

My Commission expires 4/20/03

AFFIDAVIT

DAVID E. CONANT, being first duly sworn according to law, deposes and says:

1. That he is well qualified to serve as appraiser of debtor's(s') real property in this proceeding;
2. That he is a disinterested person within the meaning of 11 U.S.C. § 101 (14), which means he has no connection with the debtor(s), the creditors, any other party in interest herein, their respective attorneys or accountants, the United States Trustee, any person employed in the office of the United States Trustee, or any other party with an actual or potential interest in this case and that he does not hold any interest adverse to the debtor(s), their estate, or the creditors in the matter for which he is proposed to be retained;
3. That he has no personal relationship with any Judge of this Court in the State of Ohio as applies to proceedings under Title 11 of the United States Code;
4. That he will inform the Chapter 13 Trustee if there is any connection with the debtor(s), creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee.

Further affiant saith not.

David E. Conant

Sworn to before me and subscribed in my presence this 13 day of Jan, 2003.

Nancy L. Allman

Notary Public

My Commission expires NANCY ALLMAN

Notary Public, State of Ohio
My Commission Expires Oct. 31, 2004

[date]

Dear Debtor(s):

_____ has been appointed to appraise your real estate in accordance with
Administrative Order No. _____.

The appraiser will be paid a fee of no more than \$200.00 from your Chapter 13 case.

If you have had a certified appraisal performed within one (1) year from the filing of your case, please inform your attorney immediately so that another appraisal will not be ordered. You will have ten (10) days from the date of this letter to notify the Chapter 13 Trustee of the appraisal or your right to prevent an appraisal of your property will be waived.

You should make the real estate available to the appraiser within thirty (30) days of this letter. The appraiser should have access to all buildings and structures on your property.

If you have questions about this appraisal, please contact your attorney.

Thank you for your assistance in this matter.

Sincerely,

Toby L. Rosen
Chapter 13 Trustee

Exhibit C

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO

IN RE: : CHAPTER 13 PROCEEDING

: CASE NO.

: JUDGE RUSS KENDIG

DEBTOR(S) : ORDER FOR COMPENSATION TO
APPRAISER WITH COPY OF
APPRAISAL

This matter is before the Court in accordance with Administrative Order No. 02-03-01

The Court finds that _____ is an approved appraiser and that an appraisal has been performed and that the appraisal form has been attached hereto.

IT IS THE ORDER OF THIS COURT that the Chapter 13 Trustee, Toby L. Rosen, shall pay the appraiser, _____, the sum of \$ _____ for services performed in completing the attached appraisal.

03-01 ENTERED PURSUANT TO ADMINISTRATIVE ORDER
NO. 02-01 : KENNETH J. HIRZ, CLERK OF COURT

BY: _____
Deputy Clerk

I certify that this Order complies with Administrative Order No. 02-03-01
Signed under the pains and penalty of perjury.

/S/ TOBY L. ROSEN

Toby L. Rosen, Chapter 13 Trustee

List of parties to be served the above Order:

Debtor(s)

Attorney for Debtor(s)

Appraiser

Exhibit D

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: : **CHAPTER 13 PROCEEDING**
: **CASE NO.**
: **JUDGE RUSS KENDIG**

DEBTOR(S) : **APPRAISAL**

I, _____, state that I have performed an appraisal of the fair market value of the following real estate:

(Legal street address, City, County, Parcel No.)

Based upon my inspection of the property, the following is a description of said property.

(Description of property: single or multiple family home, year built, total square footage of the land and buildings, number of bedrooms and baths and whether the property has a finished or unfinished basement, type of heating, air conditioning, and garage. The general condition of the home, the neighborhood and any other variables or problems.

I have reviewed the following comparable sales in the area:

	ADDRESS	SALE DATE	SALE PRICE
1.			
2.			
3.			

The real estate tax value of the above property is \$_____.

The above debtor(s) purchased this property in the year _____ for \$_____.

Based upon the above, it is my opinion that the fair market value of the real estate is \$_____.

Name
Address
Phone
Fax

Exhibit E